

1 UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
3 SOUTHERN DIVISION  
4

5 KASEY D. ALVES,

6 Plaintiff,

7 VS.

CAUSE NO.: 1:06cv912 LG-JMR

8 HARRISON COUNTY MISSISSIPPI, BY AND  
9 THROUGH THE BOARD OF SUPERVISORS;  
10 HARRISON COUNTY SHERIFF'S DEPARTMENT;  
11 SHERIFF GEORGE PAYNE, JR.; AND,  
12 HEALTH ASSURANCE, LLC.,

13 Defendants.

14 DEPOSITION

15 OF

16 WILLIAM MARTIN

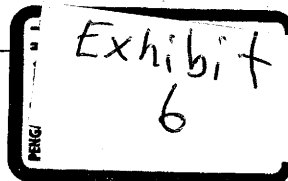
17 Taken on behalf of the Plaintiff

18 1:41 p.m., Wednesday, March 12th, 2008

19 before

20 Lisa H. Brown, CSR #1166  
21  
22

23 COAST-WIDE REPORTERS  
24 Court Reporters  
25 Post Office Box 95  
Biloxi, Mississippi 39533-0095  
(228) 374-5066



1 WILLIAM MARTIN,

2 Having been produced and first duly sworn, was  
3 examined and testified as follows:

4 - - -

5 EXAMINATION

6 BY MR. PRINGLE:

7 Q. Please state your name.

8 A. William Martin.

9 Q. Mr. Martin, you're currently a member of the  
10 Board of Supervisors --

11 A. Yes.

12 Q. -- for Harrison County?

13 A. Yes.

14 Q. You're currently the president of the Board?

15 A. Yes.

16 Q. What years have you been serving on the  
17 Board?

18 A. Since 1999, through the present.

19 Q. You're also a licensed practicing attorney?

20 A. Yes.

21 Q. And, at one time, you were an Assistant  
22 District Attorney?

23 A. Correct.

24 Q. What years were you Assistant District  
25 Attorney?

1 A. 1987, and 1989 through 19- -- April of 1996.

2 Q. As a member of the Board of Supervisors, what  
3 role does the Board have in the management of the  
4 Harrison County Detention Center?

5 A. Appropriations.

6 Q. Any others?

7 A. No.

8 Q. Let me show you Exhibit 1. It's a Consent  
9 Judgment, January 12, 1995, from the U.S. District  
10 Court. Have you seen this before?

11 A. Yes.

12 Q. Have you had an opportunity to review it and  
13 read it before?

14 A. Before, I have. I haven't read it recently.

15 Q. Yeah, okay. And you're aware that one of the  
16 Defendants in this case was Harrison County,  
17 Mississippi?

18 A. Yes.

19 Q. And you're aware that basically the judgment  
20 requires certain compliance with the agreement  
21 concerning the Harrison County jail and the conditions  
22 there?

23 A. Yes.

24 Q. And what does the Board of Supervisors do to  
25 ensure compliance with this Consent Judgment?

1 being trained properly.

2 Q. Did the sheriff's department ever submit  
3 their training program to the Board?

4 A. No. But, I mean, I don't know what -- even  
5 had they submitted it to me, I don't know how the  
6 sheriff's office or the jailers are supposed to be  
7 trained, so I would just have been reading, basically.  
8 I mean, I don't know the day-to-day operations of the  
9 sheriff's department or the jailers or booking people  
10 in or anything else, so submitting it to me really  
11 wouldn't have been of much benefit as far as I'm  
12 concerned.

13 Q. Okay. Bottom of page two. It says, "The  
14 morale of the staff was extremely low. Staff claimed  
15 they are over worked."

16 Were you aware of that finding?

17 A. I wasn't aware of that finding, but I was  
18 aware the staff -- that the morale of the staff was  
19 extremely low. That was in 2006, the latter part of  
20 2006.

21 Q. How were you informed of that or how did you  
22 learn that?

23 A. Well, I'm a criminal defense attorney. I  
24 was aware of the Williams case and I knew that morale  
25 after that case was extremely low. In fact, I thought

1 it was low prior to that case, but that's because, I  
2 mean, I spend a lot of time at the jail, not as a  
3 Board of Supervisor but as an attorney.

4 Q. Are you still doing criminal defense work?

5 A. Of course.

6 Q. How long have you been doing that?

7 A. Since I left the District Attorney's office  
8 in April of 1996.

9 Q. Go to page three. First paragraph, middle  
10 of the page, it says, Dr. Cabana stated there were  
11 approximately fifty-seven staff vacancies. Were you  
12 aware of that finding?

13 A. I was not aware of that particular finding.  
14 I did know that there were staff vacancies, but  
15 everybody knew there were staff vacancies.

16 Q. Did you ever have any conversation with Mr.  
17 Cabana, individually or at the Board meetings or  
18 executive session, as to what was causing the staff  
19 vacancies?

20 A. I know that -- of course, I have had a  
21 conversation with Mr. Cabana in the Board meetings,  
22 individually, at meetings at the jail, in regard to  
23 staff vacancies and I knew -- I knew that the reason  
24 was because, number one, morale; number two, the  
25 Williams case had a lot to do with the morale; number

1           A.     Not until after the fact.

2           Q.     That would've been after he was appointed  
3 warden at the jail?

4           A.     Yes.

5           Q.     Look at the bottom of page three.

6           A.     Okay.

7           Q.     In the last paragraph it says, "Due to  
8 inadequate staffing levels, poorly trained staff,  
9 limited supervision, crowded conditions, failure to  
10 follow established policies and procedures, inadequate  
11 classification options and intake/release process that  
12 is inefficient and ineffective, the Harrison County  
13 Detention Center is neither safe nor is it secure."

14                   Were you aware of that finding?

15           A.     Not from this particular report, but I was  
16 aware of those conditions.

17           Q.     You didn't need this report to tell you that?

18           A.     No. Mr. Cabana was basically telling us  
19 that every time he saw us, and we were taking actions  
20 to try and correct that.

21           Q.     Well, were you aware of these conditions  
22 before Mr. Cabana was telling you about them?

23           A.     No. I was aware -- let me put it like  
24 this. I was aware of the staffing issues, okay. Let  
25 me see what else this paragraph says. I was aware of

1 out, ain't it?

2 Q. Okay. Did you ever have a chance to talk to  
3 Sheriff Payne about his concerns about violence in the  
4 booking area?

5 A. Prior to this or before this report?

6 Q. At any time.

7 A. Yeah, prior to this. I haven't talked to  
8 sheriff after this report. I haven't talked to the  
9 sheriff -- I can't even remember the last time I  
10 talked to sheriff. I know I talked to the sheriff  
11 about my concerns about violence in the jail prior to  
12 this report over a number of years.

13 Q. What were your concerns about it?

14 A. Well, periodically the Board received  
15 written complaints from inmates that they were being  
16 beaten. We turned those complaints over to the  
17 District Attorney's office for investigation.

18 Q. You talked to the sheriff about your  
19 concerns?

20 A. Yeah.

21 Q. What was his response to your concerns?

22 A. That they were working on it. That was the  
23 purpose of -- one of the purposes of the Harrison  
24 County Criminal Justice Coordinating Council was to  
25 try and -- everything was related back to